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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15

16 JOHN DOE #1 AND JOHN DOE #2

17 Plaintiff,

18 v.

19 TWITTER, INC.,

20 Defendant.
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Case No. 3:21-cv-00485-JCS

**STIPULATION AND [PROPOSED] ORDER AS
MODIFIED ON DEFENDANT TWITTER INC.'S
RESPONSE TO THE FIRST AMENDED
COMPLAINT AND MOTION TO DISMISS
BRIEFING SCHEDULE**

Judge: Hon. Joseph C. Spero
Trial Date: Not yet set

Pursuant to Civil Local Rules 6-1, 6-2 and 7-12, Plaintiffs John Doe #1 and John Doe #2 (“Plaintiffs”), and Defendant Twitter, Inc. (“Defendant”) (together, with Plaintiffs, the “Parties”), hereby agree and stipulate that good cause exists to request an order from the Court extending Defendant’s time to respond to the First Amended Complaint (“FAC”) and adopting the below briefing schedule for Defendant’s motion to dismiss the Complaint.

RECITALS

WHEREAS, the above-captioned action was first filed on January 20, 2021;

WHEREAS, the original Complaint asserted eleven counts, including violation of the Trafficking Victims Protection Reauthorization Act, 18 U.S.C. §§ 1591 and 1595, violation of the duty to report child sexual abuse, 18 U.S.C. § 2258A, receipt and distribution of child pornography, 18 U.S.C. § 2252A, California products liability, negligence, gross negligence, negligence per se, negligent infliction of emotion distress, distribution of private sexually explicit materials, Cal. Civ. Code § 1708.85, intrusion into private affairs, invasion of privacy under the California Constitution, Article 1, Section 1;

WHEREAS, the Parties requested an extended briefing schedule with respect to a motion to dismiss the Complaint, which was granted;

WHEREAS, Defendant filed its Motion to Dismiss Plaintiff’s Complaint on March 10, 2021;

WHEREAS, Plaintiffs filed the First Amended Complaint on April 7, 2021;

WHEREAS, the FAC includes new factual allegations and asserts thirteen counts, including violation of the Trafficking Victims Protection Reauthorization Act, 18 U.S.C. §§ 1591(a)(1) and 1595; benefiting from a sex trafficking venture in violation of the Trafficking Victims Protection Act, 18 U.S.C. §§ 1591(a)(2) and 1595; violation of the duty to report child sexual abuse material, 18 U.S.C. §§ 2258A 2258B; civil remedies for personal injuries related to sex trafficking and receipt and distribution of child pornography, 18 U.S.C. §§ 1591, 2252A and 2255; California products liability, negligence, gross negligence, negligence per se, negligent infliction of emotional distress; distribution of private sexually explicit materials, Cal. Civ. Code § 1708.85; intrusion into private affairs; invasion of privacy under the California Constitution, Article 1, Section 1; violation

of business and professions code § 17200;

WHEREAS, under Civil Local Rules 6-1(b) and 6-2, the Parties may stipulate in writing to request an order changing time that would affect the date of an event or deadline already fixed by Court order;

WHEREAS, Defendant intends to file a motion to dismiss the FAC pursuant to Federal Rule of Civil Procedure 12(b);

WHEREAS, the Parties have stipulated under Civil Local Rule 6-2 to a filing and briefing schedule for Defendant's motion to dismiss the FAC as set forth below;

WHEREAS, given the number of counts at issue and breadth of claims asserted, the Parties agree that good cause exists for an extended briefing schedule to allow for a fuller and more orderly presentation of the arguments;

WHEREAS, the Parties agree they would each benefit from a lengthened briefing schedule;

WHEREAS, the Parties have not previously requested an extension with respect to a motion to dismiss the FAC;

WHEREAS, the Initial Case Management Conference in this matter is set for June 4, 2021;

WHEREAS, the Parties have conferred and agree that continuing the Case Management Conference will allow the Court the benefit of the full briefing of the issues of the case;

WHEREAS, the Parties have previously requested an extension on the Initial Case Management Conference;

WHEREAS, this modification would not affect the case schedule as none has been entered;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties hereto, through their undersigned counsel, as follows:

1. Defendants shall file and serve their motion to dismiss on or before May 7, 2021;
2. Plaintiffs shall file and serve their opposition on or before June 7, 2021;
3. Defendants shall file and serve their reply on or before June 28, 2021;

FURTHER, the Parties hereby stipulate and request that the hearing for Defendant's anticipated motion to dismiss the First Amended Complaint be scheduled for **July 30, 2021** and

1 that the Initial Case Management Conference also be scheduled for **July 30, 2021**, with an Initial
2 Case Management Statement due by **July 23, 2021**. **These proceedings will be held by Zoom**
3 **Webinar. Zoom Webinar ID: 161 926 0804. Passcode: 050855.**

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5 **IT IS SO STIPULATED.**

6 Dated: April 14, 2021

COOLEY LLP

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8 */s/ Michael G. Rhodes*

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18 *Attorneys for Defendant Twitter, Inc.*

19
20 Dated: April 14, 2021

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ATTESTATION

*Filer's Attestation: Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, Linh
Nguyen hereby attests that concurrence in the filing of this document has been obtained.*

Dated: April 13, 2021

COOLEY LLP

/s/ Linh K. Nguyen

Linh K. Nguyen

Attorneys for Defendant Twitter, Inc.

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2 **PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED.**

3
4 Dated: April 14, 2021


HON. JOSEPH C. SPERO
UNITED STATES CHIEF MAGISTRATE JUDGE